

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Boulder, Colorado 80537-0599

PATENT APPLICATION

ATTORNEY DOCKET NO. 10971464-3

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Karen W. Shannon, et al.

Serial No.: 09/784,674

Examiner: Channing Mahatan

Filing Date: Feb. 15, 2001

Group Art Unit: 1631

Title: Methods for Evaluating Oligonucleotide Probe Sequences

COMMISSIONER FOR PATENTS  
PO Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER  
RESPONSIVE TO A DOUBLE PATENTING REJECTION

Sir:

Petitioner, Agilent Technologies Inc., is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer of prior Patent No. 6,251,588 to Agilent Technologies Inc., which issued on June 26, 2001 and is commonly owned by Applicant. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

For submissions on behalf of an organization (e.g., corporation), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

10/09/2003 CCHAU1 00000036 501078 09784674

01 FC:1814 110.00 DA

Please charge the required fee set forth in 37 CFR 1.29(d) of \$110.00 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

*(Note: An attorney or agent of record must sign this document.)*

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: **Sept. 30, 2003** or

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

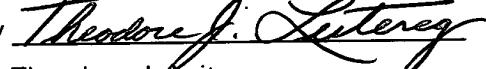
Date of Facsimile:

Typed Name: **Theodore J. Leitereg**

Signature: 

Respectfully submitted,

Karen W. Shannon, et al.

By 

Theodore J. Leitereg

Attorney/Agent for Applicant(s)

Reg. No. 28,319

Date: Sept. 30, 2003

Telephone No.: (650) 485-2386